



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

NOV 17 2015

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Article number: 7015 1520 0003 0792 -0893

Erik Olson  
Plant Manager  
General Electric Company: Ft. Edward Facility  
381 Broadway  
Fort Edward, New York 12828

Re: Notice of Violation/ RCRA 3007 Information Request  
General Electric: Ft. Edward  
NYD0093256063

Dear Mr. Olson:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § § 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Notice of Violation and Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

The Notice of Violation (NOV) portion of this letter (see Enclosure I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. § § 6901, 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Enclosure II, using the instructions and definitions included in Enclosure III. This information is necessary to determine the compliance status of the General Electric facility located at 381 Broadway, Fort Edwards, NY 12828.

Please provide the information requested no later than (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company, using the form in Enclosure IV to this letter. Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action.

The response to the request in the enclosure must be mailed to the following address:

Kathleen Malone-Bogusky  
Supervisory Environmental Protection Specialist  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency- Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1866

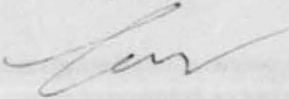
You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. Part 3501 et seq.

For consistency, please provide your answers in a format which is keyed to the questions outlined in Enclosure II.

If you have any questions regarding this matter, please contact Ms. Kathleen Malone-Bogusky at (212) 637-4083 or [malone.kathleen@epa.gov](mailto:malone.kathleen@epa.gov).

Sincerely yours,



Leonard Voo, Chief  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance

Enclosures:   Enclosure I Notice of Violation  
                  Enclosure II Information Request  
                  Enclosure III Instructions & Definition  
                  Enclosure IV Certification of Answers

cc: David West, Environmental Leader, G.E. (at facility address)

Kelly Lewandowski, Supervisor  
Site Control Section  
New York State Department of Environmental  
Conservation  
625 Broadway, 11<sup>th</sup> Fl.  
Albany, NY 12233-7020



**ENCLOSURE I**  
**NOTICE OF VIOLATION**

On or about August 5-6, 2015 a duly authorized representative of the U.S. Environmental Protection Agency conducted a compliance evaluation inspection of General Electric: Ft. Edward located at 381 Broadway, Ft. Edward, NY 12828. At the time of the inspection, your facility was found to be out of compliance with regulations applicable to generators of hazardous waste. Based on observations made during the inspection, it was determined that the following violations of RCRA regulations existed at your facility:

1. a. Pursuant to 6 NYCRR § 372.2(a)(2), a person who generates a solid waste must determine whether that solid waste is a hazardous waste using the procedures specified in that provision.

b. At the time of the inspection, G.E. Ft. Edward did not make hazardous waste determinations on the following inherently waste-like materials:

(a) A steel container of parts washer solvent called Tarksol Citrus Solvent, last used several years ago in a discontinued process.

(b) In the Factory Lab, two one-quart bottles labeled "Mini Refining Drum 8-23-12" and "Mini Refining Drum 8-27-12," and one gallon and one quart bottles of isopropyl alcohol. Until the inspection, the presence of all four bottles was unknown to the two persons who have responsibilities in the lab: Mr. Brian Beaty, the Quality Control (QC), who is the only person who actually works in the lab, and Vickie Hale, the QC Leader. Since they had no use for the bottle contents, the liquids appear to be RCRA solid wastes.

c. Failure of G.E. Ft. Edward to make a hazardous waste determination on inherently waste-like materials is a violation of 6 NYCRR § 372.2(a)(2).

2. a. Pursuant to 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c')(5') and 373-3.3(b), facilities must be maintained and operated to minimize the possibility of a fire or explosion (or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water), which could threaten human health or the environment.

b. G.E. Ft. Edward's MSDS for the Hentzen's Universal Line Flushing Solvent states that the product is extremely flammable, and warns to: keep it tightly closed in a cool and dry place; not to breathe its vapors; take precautionary measures against static discharges; use non-sparking tools and equipment; and in order to avoid ignition of vapors by static electricity discharge, all metal parts of equipment must be grounded.

At the time of the EPA inspection outside the paint kitchen, one 5-gallon drum of such hazardous waste solvent was not in a ventilated or air conditioned area and was not grounded.

At the time of the EPA inspection of the paint booths, two 5-gallon drums of such hazardous waste solvent were open, were not in a ventilated or an air conditioned area and were not grounded.

At the time of the EPA inspection of the paint kitchen, the bung atop a 55-gallon drum of new Universal Line Flushing Solvent was open; the room was not air conditioned to maintain temperature and humidity; a strong solvent odor was detected which would indicate that air circulation was probably not sufficient; two ordinary steel wrenches and a pipe lay across the drum; and the drum was not grounded.

c. Failure of G.E. Ft. Edward to maintain and operate its facility to minimize the possibility of a fire or explosion is a violation of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c)(5) and 373-3.3 (b).

3. a. Pursuant to 6 NYCRR §§ 372.2(a)(8)(i)(a)(1) and 373-3.9(d)(1), a container holding hazardous waste in a satellite accumulation area (SAA) must always be closed during storage, except when it is necessary to add or remove waste.

b. At the time of the inspection, G.E. Ft. Edward was storing hazardous paint solvent wastes next to its two paint booths in two 5-gallon containers. No one was adding waste to, or removing waste from, the containers, and the containers were not closed.

c. Failure of G.E. Ft. Edward to always keep containers holding hazardous waste in a SAA closed during storage, except when it is necessary to add or remove waste, is a violation of 6 NYCRR §§ 372.2(a)(8)(i)(a)(1) and 373-3.9(d)(1).

4. a. Pursuant to 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c)(1)(i) and 373-3.9(e), at least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

b. In response to EPA's request for inspection records of the facility's two CHWSAs for the last three years, G.E. Ft. Edward was missing weekly inspection records from July 2014 through the end of December 2014 and for all of 2013. Furthermore, EPA's inspection found hazardous waste storage outside of SAAs and CHWSAs, and open, ungrounded containers of hazardous waste. These and the other violations identified herein provide evidence that inspections have been inadequate.

c. G.E. Ft. Edward's failure to inspect its hazardous waste storage at least weekly is a violation of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c)(1)(i) and 373-3.9(e).

5. a. Pursuant to 6 NYCRR § 372.2(a)(8)(i)(a), a generator may accumulate up to 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste.

b. At the time of the inspection, G.E. Ft. Edward stored waste Hentzen's Universal Line Flushing Solvent in a 5-gallon container of waste solvent, located just outside its "paint kitchen." No activity at the location of the container generates this waste.

c. Failure of G.E. Ft. Edward to limit the storage of hazardous waste to its CHWSA and satellite accumulation areas is a violation of 6 NYCRR § 372.2(a)(8)(i)(a).

6. a. Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes.

b. At the time of the inspection on August 5, 2015, the EPA inspector requested to be shown all hazardous wastes at the facility. Facility representatives did not show the inspector the hazardous wastes in storage in the Factory Lab, or located outside the "paint kitchen." Note: the inspector happened to notice the containers on the following day when making other observations.

c. Failure of G.E. Ft. Edward to provide complete information and access to its containers of hazardous wastes is a violation of Section 3007 of RCRA, 42 U.S.C. § 6927.

7. a. Pursuant to 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c)(5) and 373-3.3(g), a facility owner/operator must attempt to make arrangements as appropriate with local emergency entities (police, fire department, emergency response teams and hospitals) for the type of waste handled at the facility and the potential need for the services of these organizations. Where local authorities decline to enter such arrangements, the owner or operator must document the refusal in the operating record.

b. At the time of the inspection, G.E. Ft. Edward provided documentation that it had circulated an emergency response plan to a municipal emergency coordination agency. However, the plan did not discuss the facility's hazardous wastes, the types and the locations. The facility did not attempt to make arrangements with the police and fire departments, local response teams and local hospitals.



c. Failure of G.E. Ft. Edward to attempt to make arrangements as appropriate with local emergency entities (police, fire department, emergency response teams and hospitals) for the type of waste handled at the facility and the potential need for the services of these organizations is a violation of 6 NYCRR §§ 372.2(a)8(ii), 373-1.1(d)(1)(iii)('c')('5') and 373-3.3(g).

7. a. Pursuant to NYCRR § 372.2(c)(1)(i) a generator must keep a copy of each complete manifest document as a record for at least three years from the date the waste was accepted by the initial transporter.

b. On the day of the EPA inspection, the facility's manifest records for the last three years were missing return receipts for two shipments:

- May 8, 2015 for 46 pounds of solid mercury (D009), 10 pounds of mercury in manufactured articles and 134 pounds of UW bulbs; and
- June 12, 2014 for 445 lb of ethyl acetate.

During EPA's inspection, a facility representative contacted the facility's hazardous waste transporter and received manifest copies signed by the designated facility.

c. Failure of the facility to keep a copy of each complete manifest document is a violation of NYCRR § 372.2(c)(1)(i).

8. a. Pursuant to 6 NYCRR §§ 372.2(a)8(ii), 373-1.1(d)(1)(iii)('c')('5') and 373-3.4(b)(1), a large quantity generator must have a Contingency Plan or some other plan that describes the actions facility personnel must take to minimize hazards to human health or the environment from fires, explosions, or any unplanned release of hazardous waste or hazardous waste constituents to the environment.

b. At the time of the inspection, G.E. Ft. Edward did not have a current contingency plan. Its emergency response plan was not specific to hazardous wastes. It did have a Waste Workplan, dated May 2012, but this workplan did not discuss procedures to be followed in a hazardous waste emergency and did not reflect the current processes at the facility. It identifies seven satellite accumulation areas at the facility, only four of which appear to be present. Neither plan identified the locations of firefighting equipment and their capabilities.

c. Failure of G.E. Ft. Edward to have a Contingency Plan or some other plan that describes the actions facility personnel must take to minimize hazards to human health or the environment from fires, explosions, or any unplanned release of hazardous waste or hazardous waste constituents to the environment is a violation of 6 NYCRR §§ 372.2(a)8(ii), 373-1.1(d)(1)(iii)('c')('5') and 373-3.4(b)(1).

9. a. Pursuant to 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)('c')('5') and 373-3.2(g)(1)(i), facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Subpart.

b. G.E. Ft. Edward did not provide weekly inspection records for July 2014 through the end of December 2014, and for all of 2013. EPA's inspection found hazardous waste storage outside of SAAs and CHWSAs; open, ungrounded containers of hazardous waste, in contravention also of the facility's MSDS for the waste. These and the other violations identified herein provide evidence that training has been inadequate.

c. G.E. Ft. Edward's failure to ensure that its personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Subpart is a violation of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)('c')('5') and 373-3.2(g)(1)(i).

10. a. Pursuant to 6 NYCRR § 374-3.2(d)(4)(i), small quantity handlers of universal waste must manage spent fluorescent light bulbs in containers or packages that are closed, structurally sound, adequate to prevent breakage and compatible with the contents of the lamps.

b. At the time of the inspection, G.E. Ft. Edward stored four spent fluorescent lamps, unboxed, leaning against a wall and laying on horizontal supports next to various equipment.

c. Failure of G.E. Ft. Edward to manage spent fluorescent light bulbs in containers or packages that are closed, structurally sound, adequate to prevent breakage and compatible with the contents of the lamps is a violation of 6 NYCRR § 374-3.2(d)(4)(i).

11. a. Pursuant to 6 NYCRR § 374-3.2(e)(5), a small quantity handler of universal waste must label each lamp or each container or package containing such lamps with the words "Universal Waste-Lamps" or "Waste Lamps" or "Used Lamps."

b. At the time of the inspection, G.E. Ft. Edward was storing the four spent fluorescent lamps without labels.

c. Failure of G.E. Ft. Edward to label each lamp or each container or package containing such lamps with the words "Universal Waste-Lamps" or "Waste Lamps" or "Used Lamps" is a violation of 6 NYCRR § 374-3.2(e)(5).



12. a. Pursuant to 6 NYCRR § 374-3.2(f)(3), a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated by marking the accumulation start date, maintaining an inventory, or implementing another method.

b. At the time of the inspection, G.E. Ft. Edward did not mark the dates on the four spent fluorescent lamps, or have an alternative dating method to ensure accumulation time limits are not exceeded.

c. Failure of G.E. Ft. Edward to be able to demonstrate the length of time that the universal waste has been accumulated by marking the accumulation start date, maintaining an inventory, or implementing another method is a violation of 6 NYCRR § 374-3.2(f)(3).

## ENCLOSURE II

1. With regard to the violations cited in the above Notice of Violation (Enclosure I), please provide (1) a description of the actions taken to correct the violations cited and provide documentation, including photographs (where applicable), verifying that each violation has been corrected; or (2) a rebuttal of the violations.

The relevant time period for the following questions is the three year period ending on the date of receipt of this letter, unless otherwise specified.

2. During the inspection, it was stated by your representatives that the Tarksol Citrus Solvent parts cleaner was last used several years ago in a process since discontinued.

(a) Identify the process that used the Tarksol Citrus parts cleaner solvent and when it was last employed at the facility.

(b) Estimate the quantity of Tarksol Citrus solvent remaining at the facility.

(c) Identify what will be done with the solvent. If it is useful, identify the criteria used to determine its acceptability for that use. If it will be disposed, provide copies of manifests after disposal.

3. Provide the same information as in #2 above for the four bottles of liquids that your representatives thought were not present in the Factory Lab, as discussed in Paragraph #1.b.(b) of Enclosure I.

4. Despite training of its personnel, the facility experienced the violations identified herein. Please describe how training will be enhanced to prevent recurrence of these violations.

**ENCLOSURE III**  
**INSTRUCTIONS AND DEFINITIONS**

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must complete and return the attached Certification of Answers to Responses to Request for Information.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is the General Electric facility located at 381 Broadway, Fort Edward, New York 12828.



11. A generator of hazardous waste for the purposes of this Request for Information shall be defined as any person (which includes this facility), by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
12. Solid waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(27) of RCRA, as amended, 42 U.S.C. Part 6903(27).
13. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5).
14. Manage shall be defined for the purposes of this Request for Information as to market, generate, treat, store, dispose or otherwise handle.

**ENCLOSURE IV**  
**CERTIFICATION OF ANSWERS**

**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
Name (print or type)

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_  
TITLE